

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KAREN JONES

v.

BAKERY EXPRESS-MS. DESSERTS

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Civil No. JFM-06-2330

MEMORANDUM

This is an action for alleged racial discrimination brought under Title VII of the Civil Rights Act of 1964. Defendant has filed a motion for summary judgment to which plaintiff (who is represented by counsel) has not responded. The motion is meritorious and will be granted. The grounds for my ruling may be briefly stated. First, the summary judgment record contains no direct or indirect evidence that defendant had a discriminatory attitude in dealing with plaintiff. *Brinkley v. Harbour Recreation Club*, 180 F.3d 598, 607 (4th Cir. 1999). Second, plaintiff has not established on the summary judgment record that her job performance was satisfactory - the second element of a *prima facie* case under the *McDonnell Douglas* protocol. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). Third, plaintiff has not established that there were any employees who were not members of the protected class who were retained under apparently similar circumstances - the fourth element of a *prima facie* claim under the *McDonnell Douglas* protocol.

A separate order effecting the ruling made in this memorandum is being entered herewith.

Date: March 30, 2007

/s/

J. Frederick Motz

United States District Judge